

lowa

Office of the Mayor

Proclamation

- WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and
- WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and
- WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and
- WHEREAS, "This Place Matters" is the theme for Council Bluffs Preservation Month 2009, co-sponsored by the Historic Preservation Commission and the National Trust for Historic Preservation.

NOW, THEREFORE, I
Thomas P. Hanafan, Mayor
of the
city of Council Bluffs, Iowa
do hereby proclaim
May 2009
as

National Preservation Month

In the city of Council Bluffs, Iowa and call upon all residents of this historic city to join me in supporting the goals of Preservation Month and participating in this special observation.

IN WITNESS WHEREOF, I have caused my
signature and the official seal of the city of Council
Bluffs, Iowa to be affixed hereto this 27th day of
April, Two Thousand and Nine.

Thomas P. Hanafan, Mayor

- WHEREAS, The existing industries of Council Bluffs are an essential segment of the city's economy, providing employment for local residents, contributing revenues and greatly enhancing the area's quality of life; and
- WHEREAS, The existing industries of Council Bluffs are an essential segment of the city's economy, providing employment for local residents, contributing revenues and greatly enhancing the area's quality of life; and
- WHEREAS, Existing industry in Council Bluffs has an influence either directly or indirectly upon the lives of every one of the community's citizens; and
- WHEREAS, Public awareness and understanding of the importance of existing industry to our local economy and quality of life are vital to the preservation of a favorable business climate.

NOW, THEREFORE, I,
Thomas P. Hanafan, Mayor
of the
City of Council Bluffs, Iowa
do hereby proclaim
the week of April 27 - May 1, 2009
as

EXISTING INDUSTRY APPRECIATION WEEK

in the City of Council Bluffs and urge our citizens to salute the industries located in our area and the employees of those industries for their important role in the growth and prosperity of the City of Council Bluffs.

IN WITNESS THEREOF, I have caused my signature and seal of the City of Council Bluffs, Iowa to be affixed hereto this 8th day of May, in the year Two Thousand and Nine.

Thomas P. Hanafan, Mayor

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading April 27, 2009

Case/Project No.: FY10-08

Resolution No. _____

Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on May 11, 2009, for the So. 16th Street Sanitary Sewer Pipe Rehab. Project, FY10-08.

BACKGROUND/DISCUSSION

- Railroad Addition bounded by 23rd Avenue to 28th Avenue between So. 15th Street to So. 19th Street received sanitary service extensions in 1979.
- The sewer pipes were originally construction of iron pipe.
- Recent condition assessments reveal the extensions to have structural deficiencies and ground water infiltration issues. The iron pipe is severely corroded from a reaction with sewage.
- This project is to line the extensions as necessary. Pipe lining is the preferred method of rehab because of the depth of the pipes, the presence of a high water table and sandy soil conditions. There will be a few isolated spot repairs completed as part of this project.
- This lining project will extend the life of the sanitary sewer and be able to support further infill re-development.
- The project budget is \$800,000 and is to be funded through FY10 GO bonds.
- This project schedule is: Set Public Hearing, April 27, 2009; Hold Public Hearing, May 11, 2009; Project Letting, June 11, 2009; Construction Award, June 22, 2009; Construction completion, 2009

RECOMMENDATION

Approval of this resolution

RESOLUTION
NO 09-119

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
SO. 16TH STREET SANITARY SEWER PIPE REHAB.
FY10-08**

WHEREAS, the City wishes to make improvements known as the So. 16th Street Sanitary Sewer Pipe Rehab., within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the So. 16th Street Sanitary Sewer Pipe Rehab. setting May 11, 2009, at 7:00 p.m. as the date and time of said hearing.

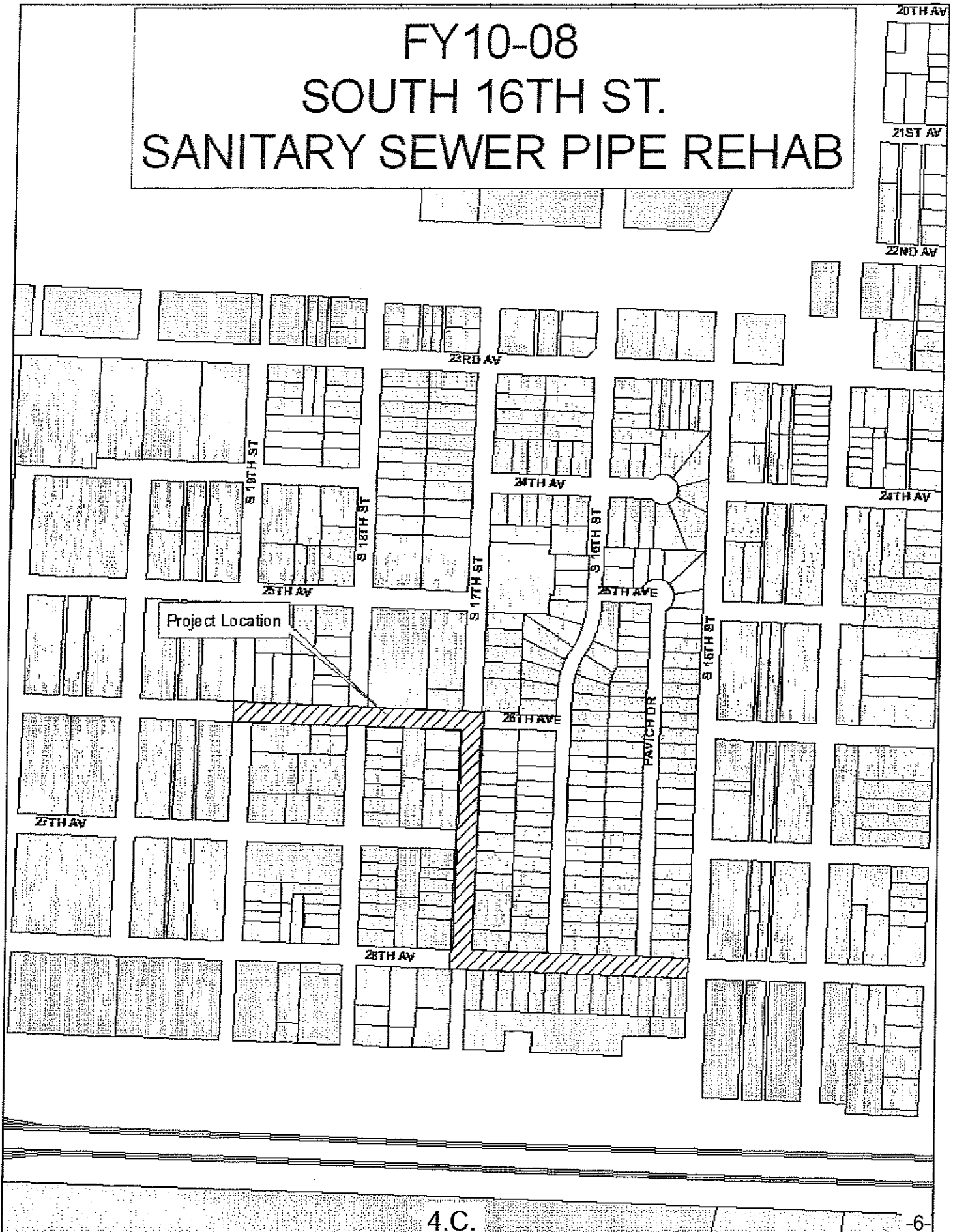
ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

FY10-08 SOUTH 16TH ST. SANITARY SEWER PIPE REHAB



Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$5,500,000 SEWER REVENUE CAPITAL LOAN NOTES, OF COUNCIL BLUFFS, IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE
AUTHORIZATION OF A LOAN AND DISBURSEMENT
AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED
\$5,500,000 SEWER REVENUE CAPITAL LOAN NOTES, OF
COUNCIL BLUFFS, IOWA, AND PROVIDING FOR
PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Council Bluffs, Iowa should provide for the authorization of a Loan and Disbursement Agreement and the issuance of Sewer Revenue Capital Loan Notes, in the amount of not to exceed \$5,500,000, as authorized by Sections 384.24A and 384.82, Code of Iowa, as amended, for the purpose of providing funds to pay costs as hereinafter described; and

WHEREAS, the City has applied for an interim loan through the Iowa Sewage Treatment Works Program pursuant to which the Iowa Finance Authority has agreed to purchase the City=s Notes and has requested that such Notes be issued as a single Note in a denomination equal to the total amount of the issue as authorized by Chapter 384 of the Code of Iowa; and

WHEREAS, the Loan and Disbursement Agreement and Note shall be payable solely and only out of the net earnings of the Municipal Sewer System and shall be a first lien on the future net earnings of the Utility; and shall not be general obligations of the

City or payable in any manner by taxation and the City shall be in no manner liable by reason of the failure of the net revenues to be sufficient for the payment of the Loan and Disbursement Agreement and Note; and

WHEREAS, before a Loan and Disbursement Agreement may be authorized and Sewer Revenue Capital Loan Notes, issued to evidence the obligation of the City thereunder, it is necessary to comply with the provisions of the City Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Council proposes to take action for the authorization of the Loan and Disbursement Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the City to such action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ o'clock _____.M., on the 11th day of May, 2009, for the purpose of taking action on the matter of the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$5,500,000 Sewer Revenue Capital Loan Notes, to evidence the obligations of the City thereunder, the proceeds of which will be used to provide funds to pay the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System.

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four clear days nor more than twenty days before the date of said public meeting on the issuance of the Notes.

Section 3. The notice of the proposed action shall be in substantially the following form:

Mayor

ATTEST:

City Clerk

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 09-125

A RESOLUTION OF INTENT TO VACATE THE EAST NORTH/SOUTH ALLEY IN BLOCK 57, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Craig Foreman requests vacation of the East north/south alley in Block 57, Railroad Addition lying between 26th and 27th Avenues, west of South 11th Street; and

WHEREAS, this City Council hereby declares its intent to consider disposition of this City right-of-way by conveying and quitclaiming all of its right, title and interest in it to the abutting property owner(s).

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to consider disposition of the above described City property; and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for May 11, 2009.

ADOPTED

AND

APPROVED: _____, 2009

Thomas P. Hanafan

Mayor

ATTEST:

Marcia Worden,

Acting City Clerk

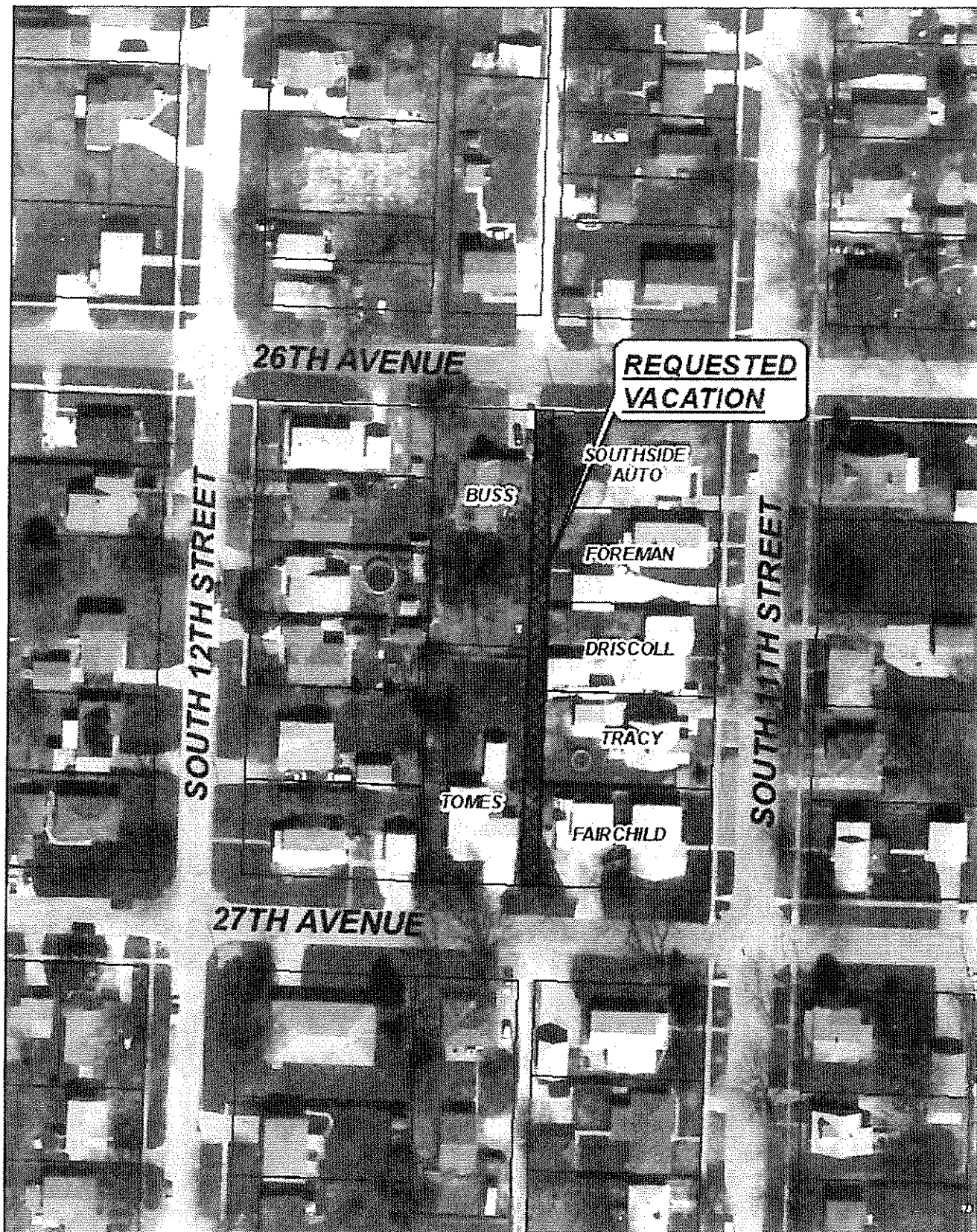
Council Communication

Department: Community Development Case # SAV-09-002 Applicant: Craig Foreman	Resolution of Intent No. _____ Resolution to Dispose No. _____	City Council: 04/27/09 Planning Commission: 04/14/09 Set Public Hearing: Public Hearing:
Subject/Title		
Request of Craig Foreman, represented by Julie Foreman, both at 2606 South 11 th Street, to vacate the east north/south alley in Block 57, Railroad Addition. This alley lies between 26 th and 27 th Avenues, west of South 11 th Street.		
Background		
Craig Foreman owns the property at 2606 South 11 th Street and is requesting vacation of the above mentioned alley which abuts his property on the west. The alley is unopened and unimproved. It measures 12 feet wide by 330 feet long for a total of 3,960 square feet.		
MidAmerican Energy has overhead electric distribution facilities within this alley and will need to maintain truck access. The Public Works Department has a sanitary sewer line in the alley. If vacated, a utility easement will need to be retained.		
There are seven property owners along this alley including the applicant. Lonnie D. and Virginia Fairchild, 2628 South 11 th Street and Janice L. Tomes, 1116 27 th Avenue, are opposed and unwilling to accept their portions of right-of-way. Frederick and Julie Driscoll, 2610 South 11 th Street, seemed opposed during a phone conversation but their signed petition indicated they were undecided. Mark and Shawn Buss, 1115 26 th Avenue and Southside Auto, owner of 2602 South 11 th Street, are in favor of the requested vacation and willing to acquire their portion. No response has been received from Matthew Tracy, 2616 South 11 th Street.		
Comments		
1. MidAmerican Energy and the Public Works Department have facilities within the right-of-way and need to maintain access. If the alley is vacated, it is likely that the existing privacy fences on both sides of the alley will be moved back which could effectively prevent truck access to service the existing utilities. 2. At least two and possibly three of the abutting owners are opposed to the requested vacation and unwilling to accept their portion of right-of-way.		
Recommendation		
The Community Development Department recommends denial of the request to vacate the east north/south alley in Block 57, Railroad Addition for the reasons stated above.		
Public Hearing		
Craig Foreman, 2606 South 11 th Street appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation		
The Planning Commission recommends denial of the request to vacate the east north/south alley in Block 57, Railroad Addition for the reasons cited in the staff report.		
VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 3 VACANT 1 Motion: Carried.		
Attachments: Map showing requested right-of-way vacation		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



CASE #SAV-09-002





CASE #SAV-09-002



COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading April 27, 2009
Case/Project No.: FY09-05D Resolution No. _____
Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on May 11, 2009, for the 29th Avenue Storm Water Pump Station Rehab. Project # FY09-05D.

BACKGROUND/DISCUSSION

- 29th Avenue Pump Station was a combined sewer pump station when originally constructed in 1948.
- After the city's sewer separation efforts, the pump station was used for sanitary sewer only.
- The sanitary sewer pumping was eliminated in 2007 when a replacement pump station was built.
- The old station is still in place. The proposed improvements are to upgrade and update the station to be operational as a storm water pump station. This work will reduce street flooding recently experienced in the new Zaiger subdivision at 28th Avenue and 16th Street.
- Project FY09-05D is in the 2009 CIP and is funded with \$586,000 in sales tax funds.
- The project schedule is:

Set Public Hearing	April 27, 2009
Hold Public Hearing	May 11, 2009
Construction Letting	June 9, 2009
Construction Award	June 22, 2009
Construction in Summer of 2009	

RECOMMENDATION

Approval of this resolution.

RESOLUTION
NO 09-126

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
29TH AVENUE STORM WATER PUMP STATION REHAB.
FY09-05D**

WHEREAS, the City wishes to make improvements known as the
29th Avenue Storm Water Pump Station Rehab.,
within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the 29th Avenue Storm Water Pump Station Rehab. setting May 11, 2009, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED _____, 2009

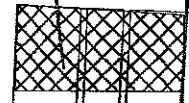
Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

FY09-05D 29TH AVE STORM WATER PUMP STATION REHAB

PROJECT LOCATION



25TH AV

S 18TH ST

26TH AV

S 17TH ST

26TH AVE

S 16TH ST

PAYICH DR

S 15TH ST

27TH AV

26TH AV

27TH AV

28TH AV

S 13TH ST

S 12TH ST

29TH AV

30TH AV

WINONA CR

ONAWA AV

WYANDOT RD

WINONA LN

PUEBLO RD

31ST AV

4.F.

Council Communication

Department and Applicant: Community Development Case No. ZT-09-002	Ordinance No. <u>6030</u>	City Council Meeting: 3-23-09 Planning Commission Meeting: 3-10-09 First Reading <u>3-23-09</u> Second Reading <u>4-13-09</u> Third Reading _____
<p style="text-align: center;">Subject/Title</p> <p>Amend various chapters of the Municipal Code (Zoning Ordinance) relative to Wind Energy Conversion Systems (WECS), as follows:</p> <ol style="list-style-type: none"> 1. Ordinance 6030, Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'. 2. Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both the small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Chapter 15.02 as needed. 3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'. 		
<p style="text-align: center;">Background/Discussion</p> <p>Attached for your consideration are proposed amendments to Title 15 of the Municipal Code relative to Wind Energy Conversion Systems (WECS). Due to increased interest in renewable energy sources and declining costs for smaller systems, several people have inquired about the City's regulations for installing such systems. Siting for such systems is not addressed in the Zoning Ordinance. The definition proposed for §15.03.685 establishes limits for both small and commercial systems based on power generation capacity. A conditional use permit approved through the Board of Adjustment is required to install any system. Wind energy conversion system (WECS) will be added to the 'Conditional uses' listing in the A-2, R-1E, R-1, R-2, R-3, I-1, I-2, and I-3 Districts. A commercial system would only be located in the A-2 and the three industrial districts, but a small system could be approved in those districts as well the cited residential districts. Setbacks, noise and utility notification requirements are listed along with safety and design standards in the new §15.24.085 of the Supplemental Use and Site Development Regulations chapter. Reference to the recently amended Chapter 2 regarding the authority of the Board of Adjustment (formerly in Chapter 27) is made. Proposed amendments are shown in Attachment 'A'. New text is <u>underlined</u>. Text to be removed is struck through.</p>		
<p style="text-align: center;">Recommendation</p> <p>The Community Development Department recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as follows:</p> <ol style="list-style-type: none"> 1. Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'. 2. Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Board of Adjustment authority to Chapter 15.02. 3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'. 		
<p style="text-align: center;">Public Hearing</p> <p>Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
<p style="text-align: center;">Planning Commission Recommendation</p> <p>The Planning Commission recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as presented in Attachment 'A'.</p> <p>VOTE: AYE 6 NAY 0 ABSTAIN 0 ABSENT 6 Motion: Carried.</p>		
Attachments: Attachment 'A'		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		

ORDINANCE NO. 6030

AN ORDINANCE to amend Chapter 15.03 “Definitions” of the 2005 Municipal Code of Council Bluffs, Iowa, by adding a new Section 15.03.685 “Wind energy conversion system (WECS)”.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 15.03 “Definitions” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by enacting a new Section 15.03.685, entitled “Wind energy conversion system (WECS)”, to read as follows:

“15.03.685 Wind energy conversion system (WECS). Any device such as a wind turbine and tower, wind charger, windmill and associated control or conversion electronics, which converts wind energy to a form of usable energy. A Small Wind Energy Conversion System (SWECS) shall have a rated capacity of not more than one hundred kilowatts (100 kW) and which is intended primarily to reduce on-site consumption of utility power. A Commercial Wind Energy Conversion System (CWECS) shall have a rated generating capacity equal to or greater than one hundred kilowatts (100 kW). Tower height is the height above grade of the fixed portion of the tower, excluding the wind turbine itself. Total extended height is the height above grade to a blade tip at its highest point of travel.”

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND _____, 2009
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: March 23, 2009

Second Consideration: April 13, 2009

Public Hearing: _____

Third Consideration: _____

Planning Case ZT-09-002

Chapter 15.03
DEFINITIONS

15.03.593	Rubble dump
15.03.594	Salvage operation
15.03.595	School
15.03.597	Semi-truck trailer
15.03.598	Sexual or genital body parts
15.03.600	Sign
15.03.605	Specified anatomical areas
15.03.606	Specified sexual activities
15.03.608	Stoop, enclosed
15.03.609	Storage yard
15.03.610	Story
15.03.620	Street
15.03.630	Structure
15.03.640	Structural alteration
15.03.643	Tattooing
15.03.644	Tattoo parlor
15.03.645	Tavern
15.03.646	Tool or storage shed
15.03.647	Transfer of interest
15.03.650	Travel trailers
15.03.651	Truck service establishment
15.03.652	Truck terminal
15.03.660	Use
15.03.670	Variance
15.03.675	Vehicle or vessel
15.03.677	Veterinary service
15.03.681	Warehousing and distribution, general
15.03.682	Warehousing and distribution, limited
15.03.685	Wind energy conversion system (WECS) (NEW)
15.03.690	Yard
15.03.700	Yard, front
15.03.710	Yard, rear
15.03.720	Yard, side
15.03.730	Yard setbacks
15.03.740	Lot definitions

15.03.685 Wind energy conversion system (WECS). Any device such as a wind turbine and tower, wind charger, windmill and associated control or conversion electronics, which converts wind energy to a form of usable energy. A Small Wind Energy Conversion System (SWECS) shall have a rated capacity of not more than one hundred kilowatts (100 kW) and which is intended primarily to reduce on-site consumption of utility power. A Commercial Wind Energy Conversion System (CWECS) shall have a rated generating capacity equal to or greater than one hundred kilowatts (100 kW). Tower height is the height above grade of the fixed portion of the tower, excluding the wind turbine itself. Total extended height is the height above grade to a blade tip at its highest point of travel.

Council Communication

Department and Applicant: Community Development Case No. ZT-09-002	Ordinance No. <u>6031</u>	City Council Meeting: 3-23-09 Planning Commission Meeting: 3-10-09 First Reading <u>3-23-09</u> Second Reading <u>4-13-09</u> Third Reading _____
Subject/Title		
Amend various chapters of the Municipal Code (Zoning Ordinance) relative to Wind Energy Conversion Systems (WECS), as follows:		
<ol style="list-style-type: none"> 1. Ordinance 6030, Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'. 2. Ordinance 6031, Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both the small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Chapter 15.02 as needed. 3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'. 		
Background/Discussion		
Attached for your consideration are proposed amendments to Title 15 of the Municipal Code relative to Wind Energy Conversion Systems (WECS). Due to increased interest in renewable energy sources and declining costs for smaller systems, several people have inquired about the City's regulations for installing such systems. Siting for such systems is not addressed in the Zoning Ordinance. The definition proposed for §15.03.685 establishes limits for both small and commercial systems based on power generation capacity. A conditional use permit approved through the Board of Adjustment is required to install any system. Wind energy conversion system (WECS) will be added to the 'Conditional uses' listing in the A-2, R-1E, R-1, R-2, R-3, I-1, I-2, and I-3 Districts. A commercial system would only be located in the A-2 and the three industrial districts, but a small system could be approved in those districts as well the cited residential districts. Setbacks, noise and utility notification requirements are listed along with safety and design standards in the new §15.24.085 of the Supplemental Use and Site Development Regulations chapter. Reference to the recently amended Chapter 2 regarding the authority of the Board of Adjustment (formerly in Chapter 27) is made. Proposed amendments are shown in Attachment 'A'. New text is <u>underlined</u> . Text to be removed is struck through .		
Recommendation		
The Community Development Department recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as follows:		
<ol style="list-style-type: none"> 1. Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'. 2. Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Board of Adjustment authority to Chapter 15.02. 3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'. 		
Public Hearing		
Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation		
The Planning Commission recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as presented in Attachment 'A'.		
VOTE: AYE 6 NAY 0 ABSTAIN 0 ABSENT 6 Motion: Carried.		
Attachments: Attachment 'A'		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		

ORDINANCE NO. 6031

AN ORDINANCE to amend Chapters 15.05 “A-2/Parks, Estates and Agricultural District”, 15.08A “R-1E/Single Family Residential Estates District”, 15.08B “R-1/Single Family Residential District”, 15.09 “R-2/Two Family Residential District”, 15.10 “R-3/Low Density Multi-Family Residential District”, 15.20 “I-1/Light Industrial District”, 15.21 “I-2/ General Industrial District”, and 15.22 “I-3/Heavy Industrial District” of the 2005 Municipal Code of Council Bluffs, Iowa, to include Wind Energy Conversion System (WECS) as a conditional use in each chapter.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 15.05 “A-2/Parks, Estates and Agricultural District” of the 2005

Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.05.030 “Conditional uses” and enacting a new Section 15.05.030 “Conditional uses”, to read as follows:

“15.05.030 Conditional uses. The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.27 02:

01. Agricultural sales and service
02. Commercial recreation (outdoor)
03. Day care services
04. Extraction activity
05. Funeral service in conjunction with a cemetery
06. Outdoor firing range
07. Private campground
08. Sanitary landfill
09. Rubble dump
10. Wind energy conversion system (WECS), subject to Section 15.24.085.”

SECTION 2. That Chapter 15.08A “R-1E/Single Family Residential Estates District” of the 2005

Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.08A.030 “Conditional uses” and enacting a new Section 15.08A.030 “Conditional uses”, to read as follows:

“15.08A.030 Conditional uses. The following conditional uses shall be permitted in an R-1E district when authorized in accordance with the requirements set forth in Chapter 15.27 02:

01. Cemetery
02. Day care services
03. Small wind energy conversion system (SWECS), subject to Section 15.24.085.”

SECTION 3. That Chapter 15.08B “R-1/Single Family Residential District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.08B.030 “Conditional uses” and enacting a new Section 15.08B.030 “Conditional uses”, to read as follows:

“15.08A.030 Conditional uses. The following conditional uses shall be permitted in an R-1 district when authorized in accordance with the requirements set forth in Chapter 15.27 02:

01. Cemetery
02. Day care services
03. Small wind energy conversion system (SWECS), subject to Section 15.24.085.”

SECTION 4. That Chapter 15.09 “R-2/Two Family Residential District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.09.030 “Conditional uses” and enacting a new Section 15.09.030 “Conditional uses”, to read as follows:

“15.09.030 Conditional uses. The following conditional uses shall be permitted in an R-2 district in accordance with the requirements set forth in Chapter 15.27 02:

01. Cemetery
02. Day care services
03. Small wind energy conversion system (SWECS), subject to Section 15.24.085.”

SECTION 5. That Chapter 15.10 “R-3/Low Density Multi-Family Residential District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by

repealing Section 15.10.030 “Conditional uses” and enacting a new Section 15.10.030 “Conditional uses”, to read as follows:

“15.10.030 Conditional uses. The following conditional uses shall be permitted in an R-3 district, when authorized in accordance with the requirements set forth in Chapter 15.27 02:

01. Cemetery
02. Colleges and universities
03. Commercial recreation (indoor and outdoor)
04. Business, professional office when the floor area for such use shall not exceed two thousand square feet
05. Cultural service
06. Day care services
07. Government maintenance facility.
08. Juvenile detention facility
09. Small wind energy conversion system (SWECS), subject to Section 15.24.085.”

SECTION 6. That Chapter 15.20 “I-1/Light Industrial District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.20.030

“Conditional uses” and enacting a new Section 15.20.030 “Conditional uses”, to read as follows:

“15.20.030 Conditional uses. The following conditional uses shall be permitted in an I-1 district in accordance with the requirements set forth in Chapter 15.27 02:

01. Correctional placement residences
02. Day care services
03. Detention facility
04. Equipment repair
05. Truck service establishment
06. Truck terminal
07. Wind energy conversion system (WECS), subject to Section 15.24.085.”

SECTION 7. That Chapter 15.21 “I-2/General Industrial District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section

15.21.030 “Conditional uses” and enacting a new Section 15.21.030 “Conditional uses”, to read as follows:

“15.21.030 Conditional uses. The following conditional uses shall be permitted in an I-2 district in accordance with the requirements set forth in Chapter 15.27 02:

01. Contractor yard
02. Correctional placement residences
03. Day care services
04. Detention facility
05. Grain storage and distribution
06. Rubble dump
07. Salvage operations
08. Storage yard
09. Emergency shelter and homeless service center
10. Commercial recreation (indoor)
11. Meat packing and processing
12. Wind energy conversion system (WECS), subject to Section 15.24.085.”

SECTION 8. That Chapter 15.22 “I-3/Heavy Industrial District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.22.030

“Conditional uses” and enacting a new Section 15.22.030 “Conditional uses”, to read as follows:

“15.22.030 Conditional uses. The following conditional uses shall be permitted in an I-3 district in accordance with the requirements set forth in Chapter 15.27 02:

01. Rubble dump
02. Meat packing and processing
03. Wind energy conversion system (WECS), subject to Section 15.24.085.”

SECTION 9. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are Ordinance No. 5523, Section 2, (2000); Ordinance No. 5305, Section 1, Section 2 (part) (1996); Ordinance No. 5306,

Section 1 (part) (1996); Ordinance No. 5917, Section 2 (2007); Ordinance No. 5557, Section 2 (2001); Ordinance No. 5957, Section 2 (2007); Ordinance No. 5958, Section 3 (2007) .

SECTION 10. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 11. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND _____, 2009
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

First Consideration March 23, 2009
Second Consideration: April 13, 2009
Public Hearing: April 13, 2009
Third Consideration: April 27, 2009

Planning Case ZT-09-002

Chapter 15.05

A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

Sections:

- 15.05.010 Statement of intent
- 15.05.020 Principal uses
- 15.05.030 Conditional uses
- 15.05.040 Accessory uses
- 15.05.050 Site development regulations
- 15.05.060 Additional regulations
- 15.05.070 Signs

15.05.010 Statement of intent. This district is intended to preserve lands best suited for agricultural, recreational, and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

15.05.020 Principal uses. The following principal uses shall be permitted outright in an A-2 district:

- 01. Animal production
- 02. Cemetery
- 03. Dwelling, single family detached
- 04. Family home
- 05. Government maintenance facility
- 06. Horticulture and crop production
- 07. Local utility services
- 08. Park and recreation services
- 09. Public campground
- 10. Public safety services
- 11. Religious assembly

(Ord. #5523, Sec. 1, 10/23/00)

15.05.030 Conditional uses. The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.27 .02:

- 01. Agricultural sales and service
- 02. Commercial recreation (outdoor)
- 03. Day care services
- 04. Extraction activity
- 05. Funeral service in conjunction with a cemetery
- 06. Outdoor firing range
- 07. Private campground
- 08. Sanitary landfill
- 09. Rubble dump
- 10. Wind energy conversion system (WECS), subject to Section 15.24.085

(Ord. #5523, Sec. 2, 10/23/00)

15.05.040 Accessory uses. Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 District only, an accessory structure may exceed the ground floor coverage of the principal structure.

15.05.050 Site development regulations.

Minimum Lot Size

Lot area: 3 acres
Lot width: 150 feet
Lot depth: 200 feet

<u>Minimum Setbacks</u>	<u>Principal Structure</u>	<u>Accessory Structure</u>
Front yard:	50 feet	greater of 50 feet or existing front setback line of principal structure
Street side yard:	20 feet	20 feet
Side yard:	10% of lot width or 10 feet whichever is greater	10% of lot width or 10 feet whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage:	10% maximum - all structures	

15.05.060 Additional regulations.

01. Reserved

15.05.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. 5285, 8/26/96)

Chapter 15.08A

R-1E/SINGLE FAMILY RESIDENTIAL ESTATES DISTRICT

SECTIONS:

- 15.08A.010 Statement of intent
- 15.08A.020 Principal uses
- 15.08A.030 Conditional uses
- 15.08A.040 Accessory uses
- 15.08A.050 Site development regulations
- 15.08A.060 Additional regulations
- 15.08A.070 Signs

15.08A.010. Statement of intent. This district is intended for low density residential neighborhoods characterized by single family detached dwellings on large lots. This district is also intended for areas of the city in which sanitary sewer service is deemed to be impractical due to topography or the availability and proximity of sanitary services. It is also appropriate for established areas of the city where it serves to preserve existing low density neighborhoods and for newly developed areas where environmental concerns preclude smaller lots.

15.08A.020. Principal uses. The following principal uses shall be permitted outright in an R-1E district:

- 01. Community recreation services
- 02. Dwelling, single family detached
- 03. Family home
- 04. Local utility services
- 05. Park and recreation services
- 06. Public safety services
- 07. Religious assembly

15.08A.030. Conditional uses. The following conditional uses shall be permitted in an R-1E district when authorized in accordance with the requirements set forth in Chapter 15.24-02:

- 01. Cemetery
- 02. Day care services
- 03. Small wind energy conversion system (SWECS), subject to Section 15.24.085

15.08A.040. Accessory uses. The following accessory uses shall be permitted in an R-1E district:

- 01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. No accessory structure shall exceed the ground floor coverage of the principal structure.

15.08A.050 Site Development Regulations.

Chapter 15.08B

R-1/SINGLE FAMILY RESIDENTIAL DISTRICT

Sections:

- 15.08B.010 Statement of intent
- 15.08B.020 Principal use
- 15.08B.030 Conditional uses
- 15.08B.040 Accessory uses
- 15.08B.050 Site development regulations
- 15.08B.060 Additional regulations
- 15.08B.070 Signs

15.08B.010 Statement of intent. This district is intended for low to moderate density residential neighborhoods characterized by single family structures with supporting community facilities. This district also permits single family attached and townhouse dwellings through subdivision and overlay requirements. The R-1 district is appropriate for established and developing areas of the city.

15.08B.020 Principal uses. The following principal uses shall be permitted outright in an R-1 district:

01. Community recreational services
02. Dwelling, single family attached (as permitted in a cluster subdivision as outlined in Chapter 14.10 of the municipal subdivision code)
03. Dwelling, single family detached
04. Dwelling, townhouse (as permitted in a planned residential overlay in Chapter 15.28 of the municipal zoning code)
05. Family home
06. Local utility services
07. Park and recreation service
08. Public safety service
09. Religious assembly
10. School

15.08B.030 Conditional uses. The following conditional uses shall be permitted in an R-1 district when authorized in accordance with the requirements set forth in Chapter 15.24 02:

01. Cemetery
02. Day care service
03. Small wind energy conversion system (SWECS), subject to Section 15.24.085

15.08B.040 Accessory uses. The following accessory uses shall be permitted in an R-1 district:

Chapter 15.09

R-2/TWO FAMILY RESIDENTIAL DISTRICT

Sections:

- 15.09.010 Statement of intent
- 15.09.020 Principal uses
- 15.09.030 Conditional uses
- 15.09.040 Accessory uses
- 15.09.050 Site development regulations
- 15.09.060 Additional regulations
- 15.09.070 Signs

15.09.010 Statement of intent. This district is intended to provide for a medium density residential neighborhood comprised of one and two family structures. This district permits single family, duplexes and townhomes. The district is also intended for established and developing areas of the community, as well as a transitional area between single family and multi-family housing developments.

15.09.020 Principal uses. The following principal uses shall be permitted outright in an R-2 district:

- 01. Community recreational services
- 02. Dwelling, single family attached
- 03. Dwelling, single family detached
- 04. Dwelling, townhouse (as permitted in a planned residential overlay in Chapter 15.28 of the municipal code)
- 05. Dwelling, two family
- 06. Family home
- 07. Local utility services
- 08. Park and recreation services
- 09. Public safety services
- 10. Religious assembly
- 11. School

15.09.030 Conditional uses. The following conditional uses shall be permitted in an R-2 district, in accordance with the requirements set forth in Chapter 15.24.02:

- 01. Cemetery
- 02. Day care services
- 03. Small wind energy conversion system (SWECS), subject to Section 15.24.085

15.09.040 Accessory uses. The following accessory uses shall be permitted in an R-2 district:

- 01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. No accessory structure shall exceed the ground floor coverage of the principal structure.

Chapter 15.10

R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

Sections:

- 15.10.010 Statement of intent
- 15.10.020 Principal uses
- 15.10.030 Conditional uses
- 15.10.040 Accessory uses
- 15.10.050 Site development regulations
- 15.10.060 Additional regulations
- 15.10.070 Signs

15.10.010 Statement of intent. The R-3 district is intended and designed for lower density multi-family residential areas of the city. This district permits a variety of housing types and is intended for established and developing areas of the city.

15.10.020 Principal uses. The following principal uses shall be permitted in an R-3 district:

- 01. Boarding, lodging, rooming house, or bed and breakfast
- 02. Community recreation services
- 03. Congregate housing, life care facility or nursing home
- 04. Dwelling, multi-family
- 05. Dwelling, single family attached
- 06. Dwelling, single family detached
- 07. Dwelling, townhouse
- 08. Dwelling, two family
- 09. Family home
- 10. Group care home
- 11. Local utility services
- 12. Park and recreation services
- 13. Private parking lot
- 14. Public parking lot
- 15. Public safety services
- 16. Religious assembly
- 17. School

(Ord. 5917, Sec. 1, 2/26/07)

15.10.030 Conditional uses. The following conditional uses shall be permitted in an R-3 district, when authorized in accordance with the requirements set forth in Chapter 15.2702:

- 01. Cemetery
- 02. Colleges and universities
- 03. Commercial recreation (indoor and outdoor)
- 04. Business, professional office when the floor area for such use shall not exceed two thousand square feet
- 05. Cultural service
- 06. Day care services

- 07. Government maintenance facility
- 08. Juvenile detention facility
- 09. Small wind energy conversion system (SWECS), subject to Section 15.24.085

(Ord. 5917, Sec. 2, 2/26/07)

15.10.040 Accessory uses. The following accessory uses shall be permitted in an R-3 district:

- 01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.10.050 Site development regulations.

Minimum Lot Size

Use	Lot area
Single family detached	5,000 square feet
Single family attached and two family dwelling	5,000 square feet except when a single family attached or two family dwelling is divided by a lot line coinciding with the common wall separating the two units, the minimum lot area shall be 2,500 square feet
Townhouse dwelling	7,500 square feet except when a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units, the minimum lot area shall be 2,500 square feet
Multi-family dwelling (3 to 4 units)	7,500 square feet
(5 or more units)	9,000 square feet plus an increase of 2,000 square feet per each additional unit

<u>Minimum Setbacks</u>	<u>Principal Structure</u>	<u>Accessory Structure</u>
Front Yard:	20 feet	greater of 20 feet or existing front setback line of principal structure
Street side yard:	15 feet	15 feet
Interior side yard:	5 feet with one foot indentation for every story above the first floor	3 feet
Rear yard:	20 feet	3 feet
Maximum Height:	60 feet	18 feet

Chapter 15.20

I-1/LIGHT INDUSTRIAL DISTRICT

Sections:

- 15.20.010 Statement of intent
- 15.20.020 Principal uses
- 15.20.030 Conditional uses
- 15.20.040 Accessory uses
- 15.20.050 Site development regulations
- 15.20.060 Additional regulations
- 15.20.070 Signs

15.20.010 Statement of intent. The I-1 district is intended to provide for the development of light manufacturing and industrial areas. This district also accommodates a mixture of commercial services and light industrial uses with relatively limited external effects.

15.20.020 Principal uses. The following principal uses shall be permitted in an I-1 district:

- 01. Agricultural sales and service
- 02. Automobile repair, minor and major
- 03. Automobile sales and rental
- 04. Automobile service establishment
- 05. Building material, sale and storage
- 06. Business, professional office
- 07. Business service establishment
- 08. Commercial storage
- 09. Consumer service establishment
- 10. Contractor shop
- 11. Equipment sales and rental
- 12. Financial services
- 13. General government use
- 14. Governmental maintenance facility
- 15. Greenhouse, commercial
- 16. Hotel/motel
- 17. Kennel, commercial
- 18. Local utility service
- 19. Manufacturing, light
- 20. Private parking lot
- 21. Public parking lot
- 22. Public safety services
- 23. Retail shopping establishment
- 24. Tavern
- 25. Warehousing and distribution, limited

(Ord. 5557, Sec. 1, 3/26/01)

15.20.030 Conditional uses. The following conditional uses shall be permitted in an I-1 district in accordance with the requirements set forth in Chapter 15.27 02:

01. Correctional placement residences
02. Day care services
03. Detention facility
04. Equipment repair
05. Truck service establishment
06. Truck terminal
07. Wind energy conversion system (WECS), subject to Section 15.24.085

(Ord. 5557, Sec. 2, 3/26/01)

15.20.040 Accessory uses. The following accessory uses shall be permitted in an I-1 district:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.20.050 Site development regulations.

Minimum Lot Size

Lot area: 10,000 square feet

Lot width: 75 feet

Lot depth: 100 feet

<u>Minimum Setbacks</u>	<u>All Structures</u>
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Front yard:	25 feet:
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Interior yard:	10 feet
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Street side yard:	15 feet
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Rear yard:	10 feet
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Maximum height:	50 feet
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Lot coverage – all structures:	60% maximum
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15.20.060 Additional regulations.

01. No tavern shall be located within two hundred feet of any school or religious building, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line

15.20.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs".
(Ord. #5366, Sec. 3, 2/23/98)

I-2 / GENERAL INDUSTRIAL DISTRICT

Sections:

- 15.21.010 Statement of intent
- 15.21.020 Principal uses
- 15.21.030 Conditional uses
- 15.21.040 Accessory uses
- 15.21.050 Site development regulations
- 15.21.060 Additional regulations
- 15.21.070 Signs

15.21.010 Statement of intent. This district is intended to provide for the development of general manufacturing and industrial areas. This district is designed to accommodate industrial uses with moderate external effects.

15.21.020 Principal uses. The following principal uses shall be permitted in the I-2 district:

01. Agricultural sales and service
 02. Automobile repair, minor and major
 03. Automobile sales and rental
 04. Automobile service establishment
 05. Building material, sale and storage
 06. Business service establishment
 07. Commercial storage
 08. Contractor shop
 09. Data center
 10. Equipment repair
 11. Equipment sales and rental
 12. Governmental maintenance facility
 13. Greenhouse, commercial
 14. Local utility service
 15. Manufacturing, light and general
 16. Private parking lot
 17. Public parking lot
 18. Public safety services
 19. Railroad yard and intermodal facilities
 20. Sign manufacturing
 21. Tavern
 22. Truck service establishment
 23. Truck terminal
 24. Warehousing and distribution, limited and general
- (Ord. 5957, Sec. 1, 12/10/07)

15.21.030 Conditional uses. The following conditional uses shall be permitted in an I-2 district in accordance with the requirements set forth in Chapter 15.2702:

01. Contractor yard
02. Correctional placement residences
03. Day care services
04. Detention facility
05. Grain storage and distribution
06. Rubble dump
07. Salvage operations
08. Storage yard
09. Emergency shelter and homeless service center
10. Commercial recreation (indoor)
11. Meat packing and processing
12. Wind energy conversion system (WECS), subject to Section 15.24.085

(Ord. 5957, Sec. 2, 12/10/07)

15.21.040 Accessory uses. The following accessory uses shall be permitted in an I-2 district:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.21.050 Site development regulations.

Minimum Lot Size

Lot area: 15,000 square feet

Lot width: 75 feet

Lot depth: 150 feet

<u>Minimum Setbacks</u>	<u>All Structures</u>
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Front yard:	15 feet
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Interior yard:	10 feet
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Street side yard:	10 feet
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Rear yard:	10 feet
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Maximum height:	75 feet
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Lot coverage – all structures:	70% maximum
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(Ord. 5957, Sec. 3, 12/10/07)

Chapter 15.22

I-3 / HEAVY INDUSTRIAL DISTRICT

Sections:

15.22.010	Statement of intent
15.22.020	Principal uses
15.22.030	Conditional uses
15.22.040	Accessory uses
15.22.050	Site development regulations
15.22.060	Additional regulations
15.22.070	Signs

15.22.010 Statement of intent. The I-3 district is intended to provide areas of the city for activities and uses of a heavy industrial character. This district is designed to accommodate industrial uses which have significant external effects. These uses typically have operating characteristics and environmental effects that make them incompatible with surrounding uses. The I-3 district is most appropriately located in areas that are separated from residential and consumer-oriented commercial districts. (Ord.5958, Sec 1, 12/10/07)

15.22.020 Principal uses. The following principal uses shall be permitted outright in an I-3 district:

1. Agricultural sales and service
2. Chemical plant
3. Electric utility generation facility
4. Governmental maintenance facility
5. Grain storage and distribution
6. Horticulture and crop production
7. Local utility service
8. Manufacturing, general and heavy
9. Railroad yard and intermodal facilities
10. Sign manufacturing
11. Truck service establishment
12. Truck terminal
13. Warehousing and distribution, limited and general

(Ord. 5958, Sec. 2, 12/10/07)

15.22.030 Conditional uses. The following conditional use(s) shall be permitted in an I-3 district in accordance with the requirements set forth in Chapter 15.24.02:

01. Rubble dump
02. Meat packing and processing
03. Wind energy conversion system (WECS), subject to Section 15.24.085

Council Communication

Department and Applicant: Community Development Case No. ZT-09-002	Ordinance No. <u>6032</u>	City Council Meeting: 3-23-09 Planning Commission Meeting: 3-10-09 First Reading <u>3-23-09</u> Second Reading <u>4-13-09</u> Third Reading _____
Subject/Title Amend various chapters of the Municipal Code (Zoning Ordinance) relative to Wind Energy Conversion Systems (WECS), as follows: 1. Ordinance 6030, Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'. 2. Ordinance 6031, Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both the small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Chapter 15.02 as needed. 3. Ordinance 6032 Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'.		
Background/Discussion Attached for your consideration are proposed amendments to Title 15 of the Municipal Code relative to Wind Energy Conversion Systems (WECS). Due to increased interest in renewable energy sources and declining costs for smaller systems, several people have inquired about the City's regulations for installing such systems. Siting for such systems is not addressed in the Zoning Ordinance. The definition proposed for §15.03.685 establishes limits for both small and commercial systems based on power generation capacity. A conditional use permit approved through the Board of Adjustment is required to install any system. Wind energy conversion system (WECS) will be added to the 'Conditional uses' listing in the A-2, R-1E, R-1, R-2, R-3, I-1, I-2, and I-3 Districts. A commercial system would only be located in the A-2 and the three industrial districts, but a small system could be approved in those districts as well the cited residential districts. Setbacks, noise and utility notification requirements are listed along with safety and design standards in the new §15.24.085 of the Supplemental Use and Site Development Regulations chapter. Reference to the recently amended Chapter 2 regarding the authority of the Board of Adjustment (formerly in Chapter 27) is made. Proposed amendments are shown in Attachment 'A'. New text is <u>underlined</u> . Text to be removed is struck through .		
Recommendation The Community Development Department recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as follows: 1. Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'. 2. Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Board of Adjustment authority to Chapter 15.02. 3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'.		
Public Hearing Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation The Planning Commission recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as presented in Attachment 'A'. VOTE: AYE 6 NAY 0 ABSTAIN 0 ABSENT 6 Motion: Carried.		
Attachments: Attachment 'A'		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		

ORDINANCE NO. 6032

AN ORDINANCE to amend Chapter 15.24 "Supplemental Use and Site Development Regulations" of the 2005 Municipal Code of Council Bluffs, Iowa, by adding a new Section 15.24.085 "Wind energy conversion system (WECS) regulations and minimum standards".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 15.24 "Supplemental Use and Site Development Regulations" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by enacting a new Section 15.24.085, entitled "Wind energy conversion system (WECS) regulations and minimum standards", to read as follows:

"15.24.085 Wind energy conversion system (WECS) regulations and minimum standards. A conditional use permit may be granted to allow wind energy conversion systems to operate in the cited zoning districts, subject to the following minimum standards:

01. The base of the tower shall be set back from all property lines, public right-of-way and public utility lines a distance equal to the total extended height. No portion of the total extended height shall be in front of the front of the principle structure or into the front or street side yard setback for the zoning district in which it is situated. A reduction may be granted to a specific setback distance if the Board finds that such reduction shall not adversely affect surrounding property and does not interfere with public utility lines or public road and rail rights-of-way.

02. The minimum distance between the tower support bases of any two WECS under different ownership shall be five times the diameter of the largest rotor. A reduction may be granted in this requirement if it finds that such a requirement does not adversely affect the operation of either WECS.

03. WECS operation shall not cause interference with power quality of area utility feeder circuits and shall not introduce noise to the connected electric distribution system. WECS shall not cause interference to radio, telephone, microwaves or television reception on adjoining property.

04. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS. Evidence is required that the utility company has been informed and has approved the customer's intent to install an interconnection customer- owned generator, prior to issuance of any construction permit. Owners shall also inform the electric utility of their intent to install off-grid systems prior to issuance of any construction permit.

05. Data pertaining to the turbine safety and stability shall be filed with the conditional use permit application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization, based upon standards set by the U.S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Turbine Verification Program or other certification program recognized by the American Wind Energy Association.

06. Sound produced by the turbine under normal operation conditions as measured at the property line, shall not exceed the definition of nuisance noise and defined in Section 4.50.080 'Sound levels by receiving land use' in Chapter 4.50 'Noise Control' of the Municipal Code. Sound levels may be exceeded during short-term events out of anyone's control, such as utility outages and/or severe weather.

07. No WECS shall be constructed, altered or maintained to project above the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

08. A WECS shall be considered a discontinued use after six consecutive months without energy production. All WECS and accessory facilities shall be completely removed at owner's expense within 180 days of the discontinuation of use. The 180 day limit may be extended if proof of weather delay is provided.

09. Rooftop turbines, not to exceed three (3) feet in total extended height, also known as architecturally integrated or vertical axis wind turbines are exempt from these requirements, if the total extended height does not exceed the maximum height permitted for the structure upon which it is placed.

10. Safety and design standards:
- (a) Rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
 - (b) All wind turbines shall be installed with a tubular, monopole type tower.
 - (c) All wind turbines and towers shall be white, gray or another non-obtrusive color. Blades may be black, in order to facilitate de-icing. Finishes shall be matte or non-reflective.
 - (d) All communications and connector lines associated with the project distribution system shall be buried.
 - (e) Installation shall comply with the National Electrical Code. Line drawings with sufficient detail to substantiate compliance shall accompany the application.
 - (f) Standard drawings of the wind turbine structure, including the tower, base and footings, along with an engineering analysis showing compliance with applicable regulations and certified by a licensed professional engineer shall accompany the application.
 - (g) Installation shall be completed by a qualified professional, certified by the manufacturer to install the system according to the manufacturer's recommendations.
 - (h) Outdoor storage is not permitted.
 - (i) Signs. All signs, including the manufacturer or installer's identification, appropriate warning signs, or owner's identification on the WECS visible from any public road is prohibited.

(j) Lighting. No illumination of the turbine or tower shall be allowed unless required by the FAA.

(k) Access. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing.”

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED April 27, 2009

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: March 23, 2009
Second Consideration: April 13, 2009
Public Hearing: April 13, 2009
Third Consideration: April 27, 2009

Planning Case ZT-09-002

SUPPLEMENTAL USE AND SITE DEVELOPMENT REGULATIONS

Sections:

15.24.010	Purpose
15.24.020	Accessory uses
15.24.030	Home occupation
15.24.040	Fence regulations
15.24.050	Lighting controls
15.24.060	Yard exceptions and permitted intrusions into required yards
15.24.070	Height exceptions
15.24.080	Antenna and tower regulations
15.24.085	<u>Wind energy conversion system (WECS) regulations and minimum standards</u>
15.24.090	Front yard exception in residential districts
15.24.100	Rear yard exception in residential districts

15.24.010 Purpose. Supplemental use and development regulations set forth additional standards for certain uses within various zoning districts recognizing that certain uses have operating characteristics that require additional regulations to protect the public health, safety and welfare. These supplemental regulations complement the uses permitted in each zoning district, qualify or modify the district site development regulations and provide for specific areas of exception.

15.24.020 Accessory uses. Unless otherwise permitted, only one principal structure or use is permitted per lot. Unless otherwise prohibited or restricted, a permitted principal use also allows uses, buildings and structures incidental to the permitted use, if located on the same site or building lot. The accessory use and/or structures or buildings shall not be established or erected prior to the establishment or construction of the principal permitted use of the building, structure or land and shall be subordinate, incidental to and compatible with the character of the principal permitted use.

The following types of accessory uses shall be permitted in residential districts, subject to the site development regulations for the zoning district in which it is located, unless otherwise provided in these regulations:

01. Fencing, subject to Section 15.24.040;
02. Garage sales, limited to six days during any calendar year;
03. Garage, and off-street parking for personal vehicles, subject to Chapter 15.23;
04. Greenhouse, for personal, non-commercial use only;
05. Home occupation, subject to Section 15.24.030;
06. Radio and communications receiving antenna and tower, subject to Section 15.24.080;
07. Swimming pool, including a bath house, tennis court or other recreational facilities commonly accessory to a dwelling and used only by the residents and non-paying guests;
08. Tool, storage shed, gazebo, patio, and similar buildings and structures for personal noncommercial use only;

09. Structures for the shelter of household pets, for personal non-commercial use.

15.24.030 Home occupation. A home occupation shall be subject to the following requirements:

01. A home occupation shall be conducted entirely within the dwelling or principal building and may not employ any individuals other than residents of the dwelling;
02. Such use shall be incidental and secondary to the residential use of the dwelling and shall not change the residential character;
03. No signs, radio, television, newspaper, handbill or other similar types of advertising are permitted linking the address of the premises with the home occupation;
04. A home occupation shall be limited to performance of services only and no commodity, directly or incidental shall be sold on the premises;
05. There shall be no exterior storage of equipment or materials used in a home occupation;
06. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

15.24.040 Fence regulations. Fences, including masonry walls, vegetation, ornamental iron, chain link, open wood, solid wood or metal, forming a physical barrier, placed on private property, used for any purpose shall conform to the following requirements:

01. General Requirements For All Zoning Districts.
 - (a) No fence placed on any lot shall project over the property line. No fence or obstruction shall be placed in the public right-of-way.
 - (b) The height of a fence shall be measured from the grade on which the fence is placed.
 - (c) The finished side of any fence shall be directed toward the street right-of-way and adjoining properties.
 - (d) No fence or any other obstruction shall be placed within an equilateral triangle having sides of thirty-five (35) feet each running along the edge of the pavement, or curb if present, of each abutting street. The apex of this triangle shall be at the point of the intersection of the edges of the pavement or curbs of such streets when extended out to a point.
 - (e) No fence shall be placed within three feet of a fire hydrant. No fence shall block visibility or access to a fire hydrant from the street.
02. General Requirements for Open Space/Recreation and Industrial Districts.
 - (a) A fence placed in any yard shall not exceed eight feet in height.
 - (b) In I-2 and I-3 Districts when the parcel is 50 contiguous acres or more, a fence not to exceed 10 feet in height is permitted in the interior, street side and rear yards. In the front yard, the height of the fence shall not exceed 8 feet unless its placement meets the setback requirements for structures. Fencing material for a 10 foot tall fence shall be limited to vinyl coated chain link material with no sharp or pointed projections or barbed wire strands permitted.

- (c) Barbed wire fences zero to six feet in height are permitted in A-1 and A-2 districts for agricultural uses only.
- (d) Security fences with sharp or pointed projections or containing barbed wire strands are allowed in the A-2, I-1, I-2, and I-3 districts if placed atop a conforming fence of at least six feet in height, with total fence height not to exceed eight feet.
- (e) Electrically-charged fences located within the boundaries of a conforming fence are permitted in A-1, A-2, I-1, I-2 and I-3 districts for agricultural uses only.

03. General Requirements for Residential and Commercial Districts.

- (a) In a front yard or a street side yard, the height of a fence shall not exceed 4 feet, unless its placement meets the setback requirements for principal and accessory structures. Exception: ornamental iron fences located in front or street side yards may exceed four foot in height, but are limited to six feet in overall height.
- (b) No solid fence shall be placed within a front yard or street side yard which creates a safety hazard by obstructing the clear view of pedestrians or vehicles.
- (c) In an interior side yard or rear yard, the height of a fence, excepting vegetation fences, shall not exceed six feet. Fences in residential areas proposed to exceed six feet in height shall be reviewed on a case by case basis by the mayor or designee.
- (d) Security fences with sharp or pointed projections or containing barbed wire strands may be permitted in a C-2 District when placed on top of an otherwise conforming fence, if the following conditions are met:
 - (i) The site shall not abut any residential district; and
 - (ii) The use shall comply with all requirements for conforming uses and the site development regulations in a C-2 District.

04. Required Fences.

- (a) A fence shall be required where any conforming commercial or industrial use abuts a residential district. The fence shall be provided at the abutting side and rear property lines. A fence shall also be required for any open storage area in an industrial district which blocks all view of the storage area at or beyond the property line. The fence shall be provided by one of the following methods:
 - (i) A wood and/or masonry fence, at least fifty (50) percent opaque, six feet in height;
 - (ii) A vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting;
 - (iii) A landscaped earth berm with a maximum slope of three to one vertical/horizontal, no more than six feet above the existing grade of the property line separating the zoning districts; or
 - (iv) Any combination of the described methods that achieves a cumulative height of six feet.

05. Maintenance. Upon placement of a fence, appropriate measures shall be taken by the fence owner to ensure continued maintenance.
(Ord. No. 5963, Sec. 1, 1/28/08)

15.24.050 Lighting controls. Any light used for the illumination of signs, parking areas, swimming pools or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists and pedestrians.

15.24.060 Yard exceptions and permitted intrusions into required yards. The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

01. The following building features may project into the required front yard no more than six feet and into the required side yards no more than three feet, provided that such projections are no closer than three feet to any side yard line:
 - (a) Chimneys and fireplaces;
 - (b) Porches, as defined in Chapter 15.03, platforms and landings which do not extend above the level of the first floor of the building.
02. The following building features may project into the required front yard no more than three feet and into the required side yard no more than three feet, provided that such projections are no closer than three feet to any side yard line:
 - (a) Eaves, cornices, belt courses, leaders, sills, awnings, lintels, gutters, and other similar features.
03. Ramps constructed to make a structure accessible to persons with disabilities may project into the required yard(s) to the extent necessary for access, if, upon review by the mayor or designee, it is determined that the ramp has been designed to minimize the intrusion into the required yard(s) and creates no hazard to the public.

15.24.070 Height exceptions. The following types of structures are not subject to the height limitations of this title: chimneys, church spires, cupolas, elevator shafts, fire and hose towers, observation towers and water towers.
(Ord. No. 5963, Sec. 2, 1/28/08)

15.24.080 Antenna and tower regulations. Radio towers, operated by amateur radio operators and other communications devices intended for personal, non-commercial use, may exceed the height limitation of the zoning district in which it is located by not more than 25 percent. The device shall not be located in any required yard of the principal use.

15.24.085 - Wind energy conversion system (WECS) regulations and minimum standards. A conditional use permit may be granted to allow wind energy conversion systems to operate in the cited zoning districts, subject to the following minimum standards:

01. The base of the tower shall be set back from all property lines, public right-of-way and public utility lines a distance equal to the total extended height. No portion of the total extended height shall be in front of the front of the principle structure or into the front or street side yard setback for the zoning district in which it is situated. A reduction may be granted to a specific setback distance if the Board finds that such reduction shall not adversely affect surrounding property and does not interfere with public utility lines or public road and rail rights-of-way.
02. The minimum distance between the tower support bases of any two WECS under different ownership shall be five times the diameter of the largest rotor. A reduction may be granted in this requirement if it finds that such a requirement does not adversely affect the operation of either WECS.
03. WECS operation shall not cause interference with power quality of area utility feeder circuits and shall not introduce noise to the connected electric distribution system. WECS shall not cause interference to radio, telephone, microwaves or television reception on adjoining property.
04. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS. Evidence is required that the utility company has been informed and has approved the customer's intent to install an interconnected customer-owned generator, prior to issuance of any construction permit. Owners shall also inform the electric utility of their intent to install off-grid systems prior to issuance of any construction permit.
05. Data pertaining to the turbine safety and stability shall be filed with the conditional use permit application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization, based upon standards set by the U. S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Turbine Verification Program or other certification program recognized by the American Wind Energy Association.
06. Sound produced by the turbine under normal operating conditions as measured at the property line, shall not exceed the definition of nuisance noise as defined in Section 4.50.080 'Sound levels by receiving land use' in Chapter 4.50 ' Noise Control' of the Municipal Code. Sound levels may be exceeded during short-term events out of anyone's control, such as utility outages and/or severe weather.
07. No WECS shall be constructed, altered or maintained to project above the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

08. A WECS shall be considered a discontinued use after six consecutive months without energy production. All WECS and accessory facilities shall be completely removed at owner's expense within 180 days of the discontinuation of use. The 180 day limit may be extended if proof of weather delay is provided.
09. Rooftop turbines, not to exceed 3 feet in total extended height, also known as architecturally integrated or vertical axis wind turbines are exempt from these requirements, if the total extended height does not exceed the maximum height permitted for the structure upon which it is placed.
10. 10. Safety and Design standards:
- (a) Rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
 - (b) All wind turbines shall be installed with a tubular, monopole type tower.
 - (c) All wind turbines and towers shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
 - (d) All communications and connector lines associated with the project distribution system shall be buried.
 - (e) Installation shall comply with the National Electrical Code. Line drawings with sufficient detail to substantiate compliance shall accompany the application.
 - (f) Standard drawings of the wind turbine structure, including the tower, base and footings along with an engineering analysis showing compliance with applicable regulations and certified by a licensed professional engineer shall accompany the application.
 - (g) Installation shall be completed by a qualified professional, certified by the manufacturer to install the system according to the manufacturer's recommendations.
 - (h) Outdoor storage is not permitted.
 - (i) Signs. All signs, including the manufacturer or installer's identification, appropriate warning signs or owner's identification on the WECS visible from any public road shall be prohibited.
 - (j) Lighting. No illumination of the turbine or tower shall be allowed unless required by the FAA.
 - (k) Access. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing.

15.24.090 Front yard exception in residential districts. The required front yard shall be as stated in each zoning district, except when forty-five percent or more of the frontage on one side of a street between two intersecting streets is improved with buildings and a majority of the improved frontage have front yard setbacks less than those required for that zoning district, then the minimum required front yard setback for new construction shall be the average distance of the improved frontage.

15.24.100 Rear yard exception in residential districts. The required rear yard in an irregular lot may be measured as the average horizontal distance between the building and the rear lot line, provided that the closest point of the building to the rear property line shall not be less than sixty (60) percent of the rear yard required by the zoning district.

(Ord. No. 5323, Sec. 4, May 19, 1997)

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading April 27, 2009
Case/Project No.: FY09-05E Resolution No. _____
Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting May 21, 2009, at 10:00 a.m. as the date and time for the bid opening for East Manawa Storm Sewer-Phase I. Project #FY09-05E.

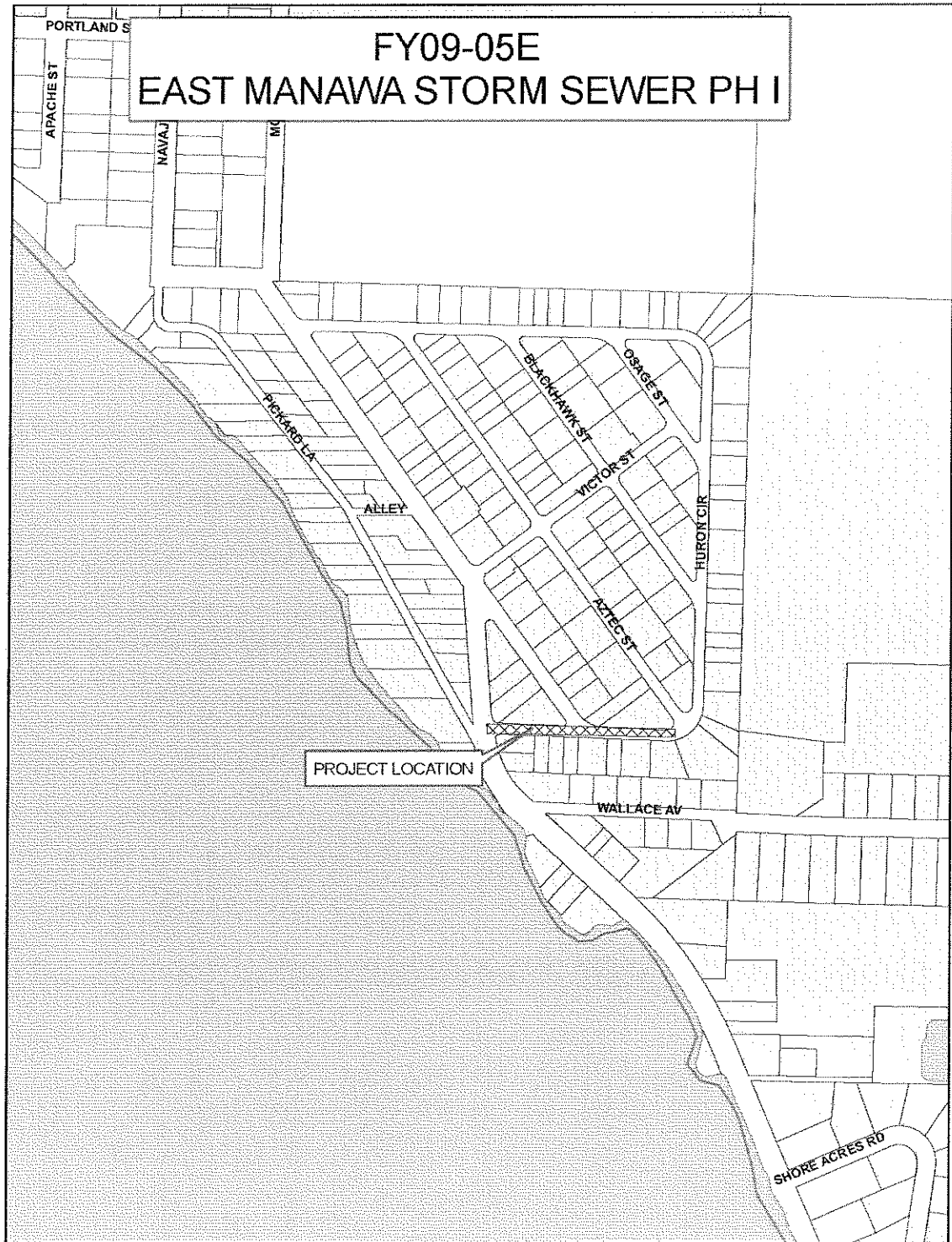
BACKGROUND/DISCUSSION

- The area of East Manawa is very flat with open ditch drainage. There are no storm sewers in this area and during intense rainfall events considerable surface ponding occurs. The streets are thin asphalt and also drain poorly.
- Due to the narrowness of the right-of-way (30 ft.) and to the high water table in the area, conventional storm sewer construction is not practical. The use of porous pavement in conjunction with a porous granular base and shallow subdrain/conveyance system has been determined to be the most cost effective means available to improve the area drainage.
- This project, which is a pilot project for the city, will construct 2 blocks of subdrain and porous asphalt pavement with concrete curb and gutter on Huron Drive east of Navajo. The storm water runoff filters through the pavement and granular base and will outlet to Lake Manawa. The sanitary sewer and water main will also be replaced.
- The construction of porous asphalt pavement with concrete curb and gutter and subdrain system will continue in several phases to upgrade and improve the roadways and storm surface drainage in the area.
- This is project FY09-05E in the 2009 CIP and is funded with \$500,000 in sales tax funds.
- The project schedule is:

Set Public Hearing	April 13, 2009
Hold Public Hearing	April 27, 2009
Construction Letting	May 21, 2009
Construction Award	June 8, 2009
Construction Start	Start summer 2009
Construction Completion	2010

RECOMMENDATION

Approval of this Resolution.



RESOLUTION
NO 09-107

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
EAST MANAWA STORM SEWER-PHASE I
FY09-05E**

WHEREAS, the plans, specification, form of contract and cost estimate
are on file in the office of the City Clerk of the City of
Council Bluffs, Iowa for the East Manawa Storm Sewer-
Phase I; and

WHEREAS, A Notice of Public Hearing was published as required
by law, and a public hearing was held on April 13, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the
East Manawa Storm Sewer-Phase I and the City Clerk is hereby authorized to advertise for bids
for said project.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading April 27, 2009
Case/Project No.: FY10-09 Resolution No. _____
Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting May 27, 2009, at 10:00 a.m. as the date and time for the bid opening for 2nd Avenue Pump Station/Trunk Sewer. Project #FY10-09.

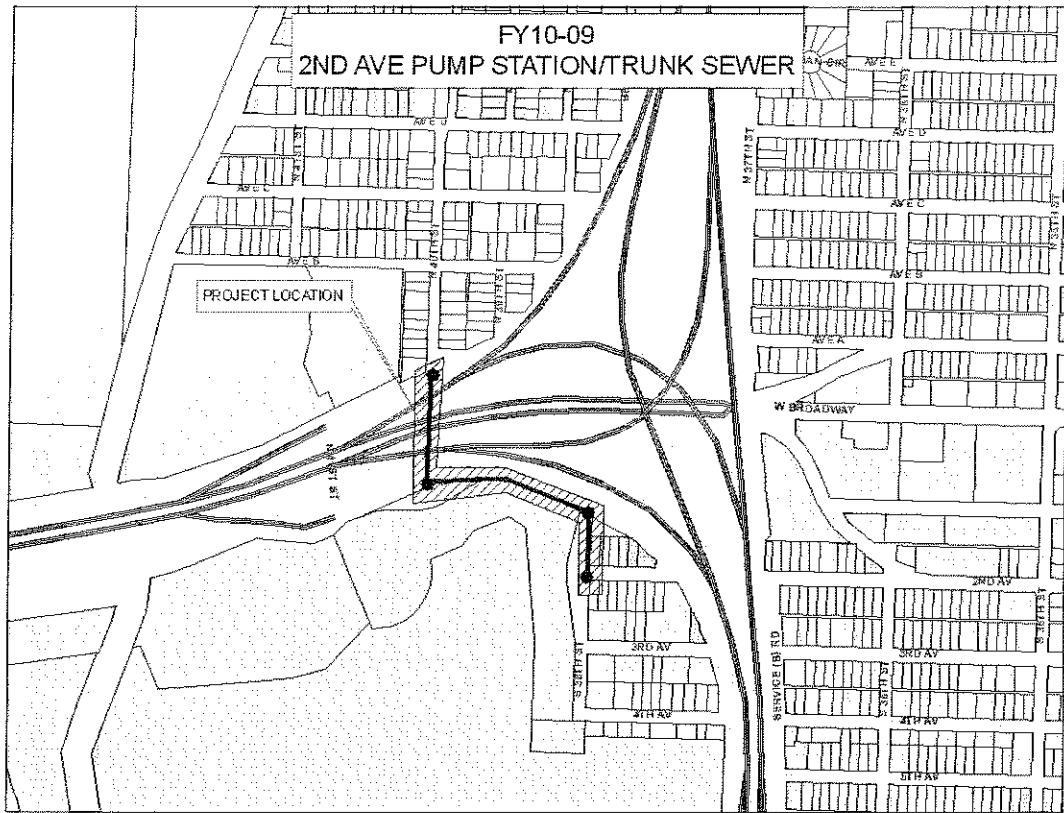
BACKGROUND/DISCUSSION

- The Playland Park collector sewer was built in the early 1950's. The collector sewer receives flows from an area between the Missouri River and Interstate 29, and between Avenue G and Dodge Riverside Golf Club.
- The collector sewer is in poor condition and needs to be replaced.
- The proposed collector sewer will be constructed further west to coordinate with future interstate improvements and will provide better service for future Playland Park development.
- The 2nd Avenue sanitary pump station was built in 1975. The station collects flow from the Playland Park collector. The stations motors, ventilation, and electrical systems are original and need to be replaced.
- This is project FY10-09 in the CIP and is funded with \$1,500,000 in G. O. Bonds.
- The project schedule is:

Set Public Hearing	April 13, 2009
Hold Public Hearing	April 27, 2009
Construction Letting	May 27, 2009
Construction Award	June 8, 2009
Construction Start	June 22, 2009
Construction Completion	December, 2009

RECOMMENDATION

Approval of this resolution.



RESOLUTION
NO 09-108

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
2ND AVENUE PUMP STATION/TRUNK SEWER
FY10-09**

WHEREAS, the plans, specification, form of contract and cost estimate
 are on file in the office of the City Clerk of the City of
 Council Bluffs, Iowa for the 2nd Avenue Pump Station/Trunk
 Sewer; and

WHEREAS, A Notice of Public Hearing was published as required
 by law, and a public hearing was held on April 27, 2009

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the 2nd
Avenue Pump Station/Trunk Sewer and the City Clerk is hereby authorized to advertise for bids
for said project.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST: _____
 Judith Ridgeley, City Clerk

Council Communication

Department: Parks, Recreation and Public Property Case/Project No. Applicant: Larry N. Foster	Ordinance No. _____ Resolution No. _____	Date: <u>April 27, 2009</u>
Subject/Title		
City Council consideration of a resolution approving plans, specifications, and form of contract for the Big Lake Phase I and II improvements and authorizing the City Clerk to advertise for bids for said project, and setting the bid date for May 28 th , 2009, at 10:00 a.m.		
Background/Discussion		
The items addressed in Phase I and Phase II are:		
<div style="text-align: center; margin-bottom: 10px;"> Improvements to the Big Lake Park Area </div> <ul style="list-style-type: none"> Construction of an elevated boardwalk and a series of paved trails which will allow the public to visit portions of the north park area not easily accessible, and specifically the unique environment existing along the edge of Big Lake itself. Construction of an elevated observation deck that will provide views across Big Lake. Construction of a small, hand-launch boat ramp area into Big Lake. Construction of a paved parking area to serve the public visiting these new facilities. Construction of a foot bridge and trail, parallel to the road through Big Lake Park. This trail will create a new pedestrian loop trail connecting the new boardwalk and its connection walks, the new parking area and the existing parking lot. <div style="text-align: center; margin-bottom: 10px;"> Improvements to the West Lake Area </div> <ul style="list-style-type: none"> Construction of a series of rock retaining walls and bio-engineered edge treatments to address the erosion of the perimeter edge of West Lake and improve public access and fishing. The rock retaining walls will allow vertical access to the water surface. The bio-engineered edge treatment is designed not only to protect the lake's edge but to provide much needed fish and aquatic wildlife habitat. The combination of these two approaches will result in significant improvement to this valuable public water body, both for the public and the lake's aquatic life. Construction of a new public fishing peninsula with paved, handicapped access. Construction of a concrete loop trail around West Lake. Renovation of portions of the existing walkways, concrete landings and the existing small boat launch area. Reconstruction of the structural foundation of the art piece located at West Lake. Repairs to the Lake's inlet and outlet systems. <p style="margin-top: 10px;">The City Council has accepted two REAP Grants, a grant from the Iowa West Foundation and also a grant from the IDNR. This partnership funding totals \$626,000.00. Additionally, City funding for the Big Lake Project has been included within the 2007-2008 and 2008-2009 Capital Improvement Program.</p>		

<p style="text-align: center;">Recommendation</p> <p>I recommend that the City Council adopt the resolution approving plans, specifications and form of contract and authorizing the City Clerk to advertise for bids for said project and setting bid date for May 28, 2009, at 10:00 a.m.</p>

Larry Foster

Thomas P. Hanafan

RESOLUTION NO. 09-109

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE BIG LAKE PHASE I AND II IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS AND SETTING THE BID DATE FOR MAY 28, 2009, AT 10:00 A.M.

WHEREAS, Big Lake Park provides critical public recreational facilities and open space for Council Bluffs residents; and

WHEREAS, there is a need to make improvements to Big Lake Park so that it may continue its roll within the City's park system: and

WHEREAS, a Notice of Public Hearing was published as required by law and a Public Hearing was held on April 27, 2009.

NOW, THEREFORE BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications and form of contract for the Big Lake Phase I and II Improvements Project are hereby approved and the City Clerk is hereby authorized to advertise for bids for said project and setting bid date for May 28th, 2009 at 10:00 a.m.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan Mayor

Attest:

Judith Ridgeley City Clerk

Council Communication

Department: Community Development Offer To Buy City Property Applicant: Community Housing Investment Corporation	Resolution of Intent No. <u>09-84</u> Resolution to Dispose No. _____	Set Public Hearing: 04/13/09 Public Hearing: 04/27/09
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Subject/Title

Request of Community Housing Investment Corporation to purchase 1801 Avenue B (Legal Description: Lot 6, Block 16, Bayliss and Palmer Addition and the West 33 feet of vacated North 18th Street adjacent).

Background/Discussion

Community Housing Investment Corporation (CHIC) has submitted an Offer to Buy the City owned property at 1801 Avenue B as legally described above. JP Morgan Chase Bank foreclosed on the property in December, 2008 and the City is acquiring the property through a 657A process. The total cost incurred by the City to date is \$1,324.20.

This property, consisting of two parcels, measures 83 feet by 120 feet and is zoned R-3/Low Density Multi-Family Residential. CHIC would like to purchase the property, construct two new single family structures (following a property line adjustment) and sell them to buyers qualified under Infill and HUD guidelines within 12 months. The existing house will be razed.

Recommendation

The Community Development Department recommends disposal of Lot 6, Block 16, Bayliss and Palmer Addition and the West 33 feet of vacated North 18th Street adjacent to Community Housing Investment Corporation for the sum of \$1,324.20 along with any additional costs incurred by the City plus any outstanding levies on the property.

Attachment: Picture and location map.

Prepared By: Rebecca Sall, Planning Technician, Community Development Department



OFFER TO BUY - 1801 AVENUE 'B' - CHIC



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 09-84

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 6, BLOCK 16, BAYLISS AND PALMER ADDITION AND THE WEST 33 FEET OF VACATED NORTH 18TH STREET ADJACENT.

WHEREAS, the City has received an offer to buy 1801 Avenue B, legally described as Lot 6, Block 16, Bayliss and Palmer Addition and the West 33 feet of vacated North 18th Street adjacent, and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property under the terms and conditions set forth in the offer to buy.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to dispose of City property legally described as Lot 6, Block 16, Bayliss and Palmer Addition and the West 33 feet of vacated North 18th Street adjacent, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for April 27, 2009.

ADOPTED
AND

APPROVED: April 13, 2009

Thomas P. Hanafan Mayor

ATTEST:

Judith H. Ridgeley City Clerk

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO 09-110

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 6, BLOCK 16, BAYLISS AND PALMER ADDITION AND THE WEST 33 FEET OF VACATED NORTH 18TH STREET ADJACENT.

WHEREAS, this City Council previously expressed its intent to dispose of 1801 Avenue B, legally described as Lot 6, Block 16, Bayliss and Palmer Addition and the West 33 feet of vacated North 18th Street adjacent; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Community Housing Investment Corporation and all successors in interest: Lot 6, Block 16, Bayliss and Palmer Addition and the West 33 feet of vacated North 18th Street adjacent for the sum of \$1,324.20 (One Thousand Three Hundred Twenty Four and 20/100 dollars) along with any additional costs incurred by the City plus any outstanding levies on the property.

ADOPTED
AND
APPROVED: _____, 2008

Thomas P. Hanafan Mayor

ATTEST: _____
Judith H. Ridgeley City Clerk